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Debtor and Defendant

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

In re EVANDER FRANK KANE,  
Debtor.

Case No. 21-50028-SLJ  
Chapter 7

HOPE PARKER,  
Plaintiff,  
v.  
EVANDER FRANK KANE, Debtor,  
Defendant.

Adv. Proc. No. 21-5008

CENTENNIAL BANK,  
Plaintiff,  
v.  
EVANDER FRANK KANE, Debtor,  
Defendant.

Adv. Proc. No. 21-5016

**DEFENDANT'S STATUS  
CONFERENCE STATEMENT**

Status Conference:

Date: May 25, 2023

Time: 2:30 p.m. Pacific Time

Place: Tele/videoconference

Defendant Evander Frank Kane ("Kane") submits the following status conference statement in connection with the above-captioned adversary proceedings.

1. Certain creditors brought § 727 claims objecting to Kane's discharge, § 523 claims objecting to the dischargeability of certain debts, and other claims against Kane.

DEFENDANT'S STATUS CONFERENCE STATEMENT

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1           2.       The Court directed that litigation of the § 727 claims would take place in advance  
2 of the other claims. Litigation of non-§ 727 claims (including discovery) was stayed pending the  
3 resolution of the § 727 claims.

4           3.       This Court held a trial on January 23 and 25, 2023, relating to the objections to  
5 discharge brought by plaintiffs Hope Parker (“Parker”) and Centennial Bank (“Centennial”)  
6 pursuant to § 727. The matter was subsequently taken under submission. On May 18, 2023, this  
7 Court decided the § 727 objections in favor of Kane (the “§ 727 Order”).

8           4.       Prior to this Court’s entry of the § 727 Order, the following adversary proceedings  
9 were resolved:

10                   a. *Lone Shark v. Kane*, Adv. Proc. No. 21-5010.

11                   b. *South River v. Kane*, Adv. Proc. No. 21-5014.

12                   c. *Zions Bancorporation v. Kane*, Adv. Proc. No. 21-5056.

13           5.       The Court’s § 727 Order decided all pending claims in *Centennial v. Kane*, 21-  
14 5016. The Court had previously granted Kane’s motion to dismiss Centennial’s § 523(a)(2)(A)  
15 claim. Centennial withdrew its § 727(a)(2)(A) claim at trial. The § 727 Order denied  
16 Centennial’s remaining § 727 claims.

17           6.       At this point, the following adversary proceedings contain live claims:

18                   a. *Parker v. Kane*, Adv. Proc. No. 21-5008: One claim under § 523(a)(2)(A).

19                   b. *Professional Bank v. Kane*, Adv. Proc. No. 21-5013: Claims under  
20 § 523(a)(2)(A) and (a)(2)(B), restitution, and determination of secured  
21 status.<sup>1</sup>

22           7.       Parker and Kane previously filed a *Joint Discovery Plan* and the Court entered a  
23 corresponding order. Adv. Proc. 21-5008, ECF 18–19. Those dates were subsequently vacated.  
24 ECF 20, 25.

25           8.       Kane anticipates that, once the stay of non-§ 727 litigation is lifted, the following  
26 discovery will be required in *Parker v. Kane*, Adv. Proc. No. 21-5008:

27  
28                   <sup>1</sup> A status conference is currently set for June 22, 2023, in the *Professional Bank v. Kane*  
adversary proceeding, Adv. Proc. No. 21-5013.

- 1 a. Approximately three to four months of fact discovery.
- 2 b. If the parties determine that experts are required in this case, an additional two
- 3 months (approximately) for expert discovery.
- 4 c. A deadline for the parties to file dispositive motions prior to a trial date.
- 5

6 Dated May 19, 2023

FINESTONE HAYES LLP

7 /s/ Stephen D. Finestone

8 Stephen D. Finestone  
9 Attorneys for Evander Frank Kane,  
Debtor and Defendant

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